

BDAC MEETING SUMMARY

BDAC MEETING SUMMARY
APRIL 10, 1997
SACRAMENTO CONVENTION CENTER
9:30 AM to 2:30 PM

MEETING OUTCOMES

- Lester Snow will develop a memorandum outlining the circumstances in which stakeholder discussions outside of the public forum may be useful to CALFED.
- Mary Scoonover will circulate a memo to BDAC to clarify questions regarding BDAC member conflict-of-interest issues.
- Six BDAC members expressed interest in the Ecosystem Restoration Coordination Program. Major points of discussion focussed on accommodating grass roots organization interests in the proposal process, evaluation and phasing of projects, and use of funds for acquiring water.
- Eleven BDAC members commented on the alternative configurations, the alternative evaluation process and assurances. Their comments focussed on the following major topics: 1) determination of, limits to, funding sources for, and assessment of the costs of alternatives; 2) integration of the components and the need for an understanding of the operating criteria; 3) optimizing the performance of the alternatives and configuration; 4) clarification of terminology used in describing the configurations; 5) the timing of comparing the alternatives to the solution principles; 6) balancing adaptive management concepts with the need for certainty; and 7) a request to continue discussing assurances issues at BDAC.

1. WELCOME AND INTRODUCTIONS; CHAIR'S REPORT (Mike Madigan, Lester Snow, Mary Scoonover)

Chair Mike Madigan convened the meeting and welcomed Bay-Delta Advisory Committee (BDAC) members and members of the public. He introduced Patrick Wright as the Federal representative to BDAC acting on behalf of Roger Patterson. Chair Madigan noted an addition to the BDAC agenda. He explained that there will be a Chair's Report on each agenda to inform members of administrative items and other items of timely interest to BDAC members.

As part of this report, Chair Madigan asked CALFED Program Manager Lester Snow to report on a memo being prepared in response to the topic of stakeholder discussions raised at the March BDAC meeting. Lester Snow reported that he was preparing a memo outlining the circumstances in which stakeholder discussions are useful to the CALFED process.

An additional item in the Chair's Report was the topic of the potential for conflict-of-interest for BDAC members. Mary Scoonover (CALFED Program staff) described the provisions in

Government Code Section 1090 which address contracting and conflict-of-interest. This section prohibits public officials from having financial interest in contracts for goods and services provided to state government. The section defines the term "public official" and prescribes civil and criminal penalties if conflict of interest is proven. Ms. Scoonover noted that a number of judicial decisions further delineate the restrictions. She cited two decisions as examples of the severity of the penalties. She also noted that an additional penalty could be a future ban on serving in public office.

Discussion Points

- BDAC member Stu Pyle inquired about the status of BDAC members as public officials. Ms. Scoonover responded that BDAC members fit the definition of a public official.
- BDAC member Alex Hildebrand asked about the circumstances where the conflict of interest provisions might apply to BDAC members. Ms. Scoonover replied that one example would be if a BDAC member were to apply for funds authorized by certain sections of Proposition 204.

Other questions were raised by BDAC members Tib Belza, Mary Selkirk, Richard Izmirian, Ray Remy and Bob Raab. These questions were directed towards other types of circumstances such as being on the board of directors of a non-profit organization or an elected official of a public entity, either of which might apply for Prop. 204 funding. Ms. Scoonover noted that the courts broadly interpret the circumstances for conflict of interest and encouraged members to call her to discuss specific circumstances. Chair Madigan closed the discussion by noting that a memo would be forthcoming from Ms. Scoonover. He advised members to consider the memo and to contact Ms. Scoonover with questions.

2. UPDATE OF PROGRAM COMPONENTS (Lester Snow)

Presentation

Lester Snow reported that three workshops had occurred since the March BDAC meeting. He noted that workshop outcomes memos for the Storage & Conveyance and Water Use Efficiency workshops were in the BDAC packets. He then asked for comments from Ms. Selkirk and Mr. Pyle who had attended the workshops.

Mr. Pyle informed BDAC that the information from the Storage & Conveyance workshop was well-presented and informative. He noted that some of the Storage & Conveyance configurations will likely fall out of consideration early and suggested that it is not necessary to spend time considering those configurations.

Mr. Daniel followed by briefly describing the topics covered at the workshop including ecozone visions and concepts for implementing adaptive management of the Ecosystem Restoration Program Plan (ERPP). He noted that attenders commented on the need for efficient use of resources for ecological monitoring, desire for further discussion on instream flow targets and

timing, and interest in a better understanding of the integration of ecosystem restoration with other Program components. Release of the ERPP will be in stages with Volume I (Ecosystem Element Visions) available in mid-May and Volume II (Ecological Zone Visions) and Volume III (Adaptive Management, Indicators, Monitoring, Focussed Research and Phased Implementation) released in mid-June. After the release of all the volumes, a 45-day public comment period will follow. Further public involvement opportunities were a request for invitations to present ERPP material at regional meetings and a public workshop tentatively set for July.

Discussion Points

- Mr. Hildebrand inquired about comparing the ERPP to the CALFED Solution Principles. Lester Snow responded that the Solution Principles will be used to assess the Program alternatives and that the ERPP will be a part of each alternative. He also said that individual Program components will not be compared to the Solution Principles.
- BDAC member Tom Graff asked about the role of water transfers in the ERPP. In response, Lester Snow said that the Program is in the process of developing options for BDAC discussion on water transfers.

3. ECOSYSTEM RESTORATION COORDINATION PROGRAM (Cindy Darling)

Presentation

Lester Snow informed BDAC that this program addresses short-term implementation of restoration actions. Referring to material in the BDAC packets, Cindy Darling (CALFED Program staff) explained the relationship of the Restoration Coordination program and Category III funds to the ERPP and described the formation of the Ecosystem Roundtable. She also described the current and anticipated funding cycles.

Discussion Points

- Ms. Selkirk asked about accommodating small, not-well-funded organizations in the request for proposals. Ms. Darling replied that the program is looking into the legality of a two-tier proposal process which would allow submittal of conceptual proposals and screening out of those that clearly would not meet established criteria. Proposers of promising concepts would be invited to submit complete proposals for project funding consideration.
- Mr. Izmirian asked if the proposals for funding would be evaluated in the context of a vision that would be available to BDAC members. Ms. Darling responded that the Ecosystem Roundtable is seeking technical guidance from technical teams throughout the solution area and that a vision is being developed.
- Mr. Hildebrand inquired how the effectiveness of proposals, in terms of cost and in use of water, would be determined. He also expressed interest in avoiding delays due to

inadequate environmental impact analysis. Ms. Darling noted that the projects must meet standards in the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) and that staff could assist project sponsors with meeting the regulatory requirements. She added that projects can be funded in phases allowing review and adjustment to the projects. Addressing the cost effectiveness question, Ms. Darling responded that proposals must include an options analysis.

- Mr. Raab asked for guidance on a hypothetical proposal for restoration of 1,000 acres of baylands. Ms. Darling explained that such a large endeavor could be divided into phases and that the project applicant could apply for funding for each phase. She also noted that proposals can request full funding or can show cost-sharing with other entities. In past Category III funding cycles, requests ranging from \$25,000 to \$5.5M were funded.
- Mr. Graff asked about the availability and coordination of funds from both Prop. 204 and the Central Valley Project Improvement Act (CVPIA) Restoration Fund for the acquisition of water for ecosystem purposes. Lester Snow noted that while the ERPP calls for specific flow targets, immediate ecosystem restoration can happen prior to achieving those flows. He added that there is unspent money in the CVPIA Restoration Fund to acquire water. Ms. Darling added that the funds in Prop. 204 for immediate restoration are for projects not involving acquisition of water. Other Prop. 204 funds will become available after the Environmental Impact Report/Environmental Impact Statement (EIR/EIS) is certified.
- Mr. Remy asked about the interface between BDAC and the Restoration Coordination Program. Ms. Darling said that each BDAC agenda will include an update on the program to provide an opportunity for comment from BDAC.

Public Comment

- Jason Peltier, Central Valley Project Water Association, commented that there is frustration among some parties with the slow distribution of funds for water acquisition from the CVPIA Restoration Fund. He complimented the CALFED program on its early implementation efforts and also expressed appreciation for the coordination that CALFED has initiated with programs which have similar funding objectives.
- Ed Petry, Mendota, said that the U.S. Bureau of Reclamation is seeking to retire up to 400,000 acres of land from agricultural production. He expressed concern about third party impacts to communities if large-scale land retirement were to occur. He suggested that funding be made available to address social impacts.

4. DESCRIPTION OF THREE ALTERNATIVES (Lester Snow, Steve Yaeger, Dick Daniel) Presentation

Lester Snow opened this agenda item by informing BDAC that the process of integrating the Program components is underway. He noted that subsequent information presented by the Program will be increasingly detailed.

4a. CONFIGURATION 1A Presentation

Lester Snow presented an overview of this configuration. It relies on the performance of the common programs of ecosystem restoration, water quality, water use efficiency, and levee system integrity as well as the existing storage and conveyance facilities to meet Program Objectives and Solution Principles. Additionally, this configuration relies on success of the ERPP to reduce impacts to endangered and threatened species and thereby increase the reliability of water supply for other uses.

This configuration differs from others in that habitat restoration in the Delta will occur primarily outside of the south Delta area. It also requires a fish barrier at the head of Old River and possibly some stage control facilities near that location. A major action in the water quality component will be treatment of Delta island discharges.

Dick Daniel presented a summary of concerns relative to ecosystem restoration raised so far with this configuration. They include: limited tools for acquiring ERPP flows, longer time to realize the benefits from the ERPP actions and less flexibility to undertake the actions, little improvement in the quality of water for urban and agricultural uses, and little improvement in the water quality of the San Joaquin River, most of which would be derived through land retirement.

Steve Yaeger (CALFED Deputy Director) described operational considerations. He noted that there may be water savings derived from conservation efforts and these may reduce demand on pumping water out of the South Delta. He also noted that this configuration would be less flexible in meeting water supply needs for all uses.

Discussion Points

- Mr. Graff inquired about the existence of financial information on the configurations. Lester Snow replied that costs associated with all sixteen configurations will be prepared, but are not yet ready.
- Mr. Hildebrand asked about the location, yield and impacts to agriculture of groundwater management. He also expressed concern for increasing groundwater overdraft. Lester Snow and Mr. Yaeger responded that groundwater management would occur in both the Sacramento and San Joaquin Valleys and would include direct recharge as well as in lieu supplies. They agreed that overdraft problems need to be addressed.

- BDAC member Tom Maddock asked what mechanisms would be used to provide the ERPP flow targets in this configuration. He also expressed an interest in information about the costs associated with the configurations. Lester Snow emphasized that water flow would be obtained through acquisition, transfers and other activities.
- Ms. Selkirk inquired about the application of the Solution Principles to the configurations. Lester Snow replied that a discussion on evaluation of alternatives was on the BDAC agenda.

4b. CONFIGURATION 1C

Presentation

The important features of this configuration include use of the existing conveyance system, implementation of the common programs, and use of existing full pumping capacity, surface water storage, and groundwater management.

Discussion Points

- Mr. Hildebrand asked about the use of surface storage for managing the timing of water flow versus increasing the overall water supply. Lester Snow said that defining operational criteria is critical to understanding the alternatives.
- Mr. Maddock inquired about carriage water requirements. Mr. Yaeger responded that carriage water requirements are higher in dry years, and vary with both total precipitation and with the pattern of precipitation.
- Mr. Izmirian asked for a definition of the word "improvements". He also commented that a communication problem exists and words like "improvement" and "efficiency" should be more clearly understood by all parties. Mr. Yaeger explained that in this configuration improvements include channel widening and re-routing or a fish barrier in Old River. In the South Delta, improvements refer to fish barriers, channel dredging and lowering pump intakes.
- Mr. Pyle asked if the Program will recommend changes to the operating criteria stipulated in the Delta Accord. Lester Snow responded that the criteria in the Accord are the starting point for impact analysis. Different conveyance configurations may require changes in these criteria.

Presentation Continued

Mr. Daniel presented important differences between 1A and 1C. These included more widespread habitat restoration in the Delta, additional fish screens, and the use of surface storage to meet the ERPP flow targets and to improve water quality.

Discussion

- Ms. Selkirk inquired about the lack of fish screens in 1A. Mr. Yaeger responded that fish screens are proposed in 1B as is the Central Valley Project-State Water Project intertie.

Presentation Continued

Mr. Daniel summarized concerns about 1C including the uncertainty around possible impacts of diverting water to off-stream surface storage, impacts from continuing unnatural hydraulics in the Delta, and possible negative ecological impacts at the new facilities in the South Delta.

Mr. Yaeger and Mr. Daniel then described characteristics of the water supply operations. When developing criteria for operations, many ecological elements such as channel meanders, estuarine salinity, and species presence can be included. One of the objectives of this alternative is to mimic, as much as possible, natural water flow patterns through revised operating criteria and use of off-stream storage. In order to explain this concept, the natural pattern of high water flows in the upper watersheds during winter and elevated flows during the winter and spring in the Delta were reviewed. The general concept of moving water to off-stream storage during high flows was explained. It was also noted that up to 50,000 cfs flow could be diverted to off-stream storage during high flows. A diversion point south of Chico Landing would likely have less environmental impact than diversions points to the north.

Discussion Points

- Mr. Maddock asked whether the example hydrographs incorporated existing reservoir space and Mr. Yaeger replied affirmatively.
- Mr. Hildebrand asked at what flows water could be diverted. Mr Yaeger and Lester Snow explained that diversions would happen in the range of 200,000 cfs, but that water would not be diverted at every high flow. Mr. Hildebrand further noted that if existing dams were raised a significant increase of the downstream flow could be stored.
- BDAC member Pietro Parravano expressed concern that the example for flows used only one year of data and requested that results from proposed changes on pumping patterns be shown over a period of years.

4c. CONFIGURATION 3B

Presentation

In addition to the features of 1C, this configuration would widen channels and use setback levees in the North Delta and convey water around the Delta using an open canal of 5,000 cfs capacity. Also, the configuration includes additional surface storage capacity. The storage and Delta channel features of this configuration are similar to those for Alternative 2B.

Important differences in this configuration are that storage north of the Delta reduces the need to use the Red Bluff diversion dam, and additional screening of diversion points on the San Joaquin

River in the Delta would be necessary. This configuration would require a complex assurance package to address all stakeholder concerns. Also, while it would reduce harm to fish due to entrainment at the pumps, such harm would not be completely eliminated.

Discussion Points

- BDAC member Eric Hasseltine inquired about the implications of water movement through and around the Delta. Lester Snow responded that 10,000 cfs of export water could still be moving through the Delta at the time the conveyance facility was fully used, but that would not have to happen all the time. He added that a 15,000 cfs conveyance facility, when operated at capacity, could potentially eliminate moving export water through the Delta.
- Ms. Selkirk had three comments. The level of demand management necessary for 1A might not apply to other alternatives. Secondly, it is necessary to understand the water quality treatment costs for all alternatives. Lastly, that all alternatives need to be assessed by the Solution Principles.
- Mr. Pyle expressed interest in having Alternative 2 fully explored. He noted that 3B might not cover all aspects of thru Delta concerns. He also asked for additional information on export pumping operations and Delta operating criteria. Lester Snow noted that Alternative 2 is also being fully developed and will be assessed in impact analysis.

Public Comment

- Gary Bobker, The Bay Institute, noted that it appeared that the flow targets for the ERPP were dependent on new Storage and Conveyance facilities. He suggested that other sources be given equal consideration. He added that the extent and configuration of habitat restoration would likely affect water flows and might affect water project operations. BDAC member Ann Notthoff mentioned that Alternative 1 will rely on sources other than water project facilities for meeting flow targets. Mr. Daniel agreed that habitat restoration could reduce peak flows. Mr. Hildebrand closed the discussion with a comment that restoration might decrease water supply for other beneficial uses.

5. ALTERNATIVE EVALUATION PROCESS (Lester Snow)

The meeting reconvened after lunch. Having to leave the meeting, Chair Madigan turned the gavel over to Mr. Hasseltine for the remainder of the meeting.

Presentation

Lester Snow explained that the evaluation process is composed of several activities, including pre-feasibility studies, analysis for compliance with Section 404 (b) (1) of the federal Clean Water Act, NEPA/CEQA impact analysis, formulation of an implementation strategy, and initial preparation of regulatory permits and compliance measures. He added that each alternative will

be examined for its ability to meet the objectives of each program element and for consistency with the Solution Principles.

Discussion Points

- Mr. Graff noted that uncertainty will have to be addressed during alternative evaluation.
- Mr. Hildebrand commented that all alternatives, not only the ones presented at the meeting, should be examined for optimum performance. He also suggested that operating regimes should be explained to fully illustrate the alternatives.

6. IMPLEMENTATION STRATEGY: ASSURANCES (Mary Scoonover)

Presentation

Ms. Scoonover opened the presentation by defining assurances for the CALFED program. Ms. Scoonover then described the efforts of the Assurances Work Group. She noted that management structures the Work Group is considering include the existing array of agencies and responsibilities, existing agencies with new authorities and responsibilities, and new entities with new responsibilities. Ms. Scoonover concluded her presentation with the announcement of an Assurances public workshop on assurances scheduled for May 15, 1997, from 1-5 PM.

Discussion Points

- Mr. Remy inquired how unintended cost will be addressed, particularly in the context of minimizing overall Program implementation costs. Ms. Scoonover explained that costs will be addressed in several places - in the common programs, within each alternative, in the financial strategy, and also in assurances. She noted that differing levels of assurances will have varying costs associated with them.
- Mr. Hildebrand commented that where end results cannot be assured, then perhaps a solution that can be implemented in stages may be necessary. Lester Snow responded that while staging program implementation may address solution durability and flexibility, it may be challenging to treat all parties fairly at each stage of implementation.
- Mr. Raab asked how adaptive management would fit with assurances. He noted that the Program may need to prioritize assurances. Ms. Scoonover replied that this is an upcoming challenge. She informed them that the Assurances Work Group has asked the Ecosystem Restoration Work Group to deliberate on the necessary assurances. She added that cost limits, clearly identified income sources, and decision-making authority would have to be addressed by the assurances package. She concluded with noting that certain basic conflicts will not be resolved by assurances.
- Mr. Maddock asked how the source of funding for the solution will be assured. He noted that changing the stream of income could affect financing for the program. In reply, Ms.

Scoonover said it is the responsibility of all work groups to consider this potential circumstance.

Ms. Notthoff, BDAC member Hap Dunning, BDAC member Roger Strelow and Mr. Graff discussed with Ms. Scoonover the possible need to prioritize assurances and whether or not assurances would be directed towards specific outcomes. The preliminary assurances package will include a range of assurance options and the associated advantages and disadvantages of each option. Also the package will be a programmatic document and somewhat general.

- Mike Mantell, State representative to BDAC, noted that it is very important to clearly identify the process to address issues that arise if an element of the solution can not be implemented or operated as agreed.
- Chair Hasseltine summarized the preceding discussion on assurances. He then noted that the Program is becoming more focused and that BDAC will soon need to render advice on whether or not the set of alternatives is adequate for impact analysis.
- Ms. Notthoff asked how well the Assurances Work Group is functioning and requested more discussion of assurances at BDAC. Lester Snow responded that a diversity of people attend the Work Group meetings and that is one indicator of the performance of the work group.
- Mr. Remy asked how the Program is narrowing the number of alternative configurations and in what time frame. Lester Snow answered that staff is now refining the data necessary to integrate the Program components. He explained that narrowing the alternatives is an iterative process. Those configurations that have the least adverse impacts will be carried through the full evaluation process.

Public Comment

- Mr. Petry commented that it is important to understand how to respond if desired outcomes do not occur. He also noted the difficulty of putting a dollar price on habitat and water quality. Mr. Graff responded that it may be useful to study recent agreements such as the San Luis Drain agreement, and identify what was successful and what was not.

6. PUBLIC INVOLVEMENT PROGRAM UPDATE (Sharon Gross)

Presentation

Sharon Gross (CALFED Program staff) introduced the new Public Information Officer, Patricia Ryan. Ms. Gross then reviewed upcoming public involvement activities and noted the April 29th Impact Assessment Workshop and the May 13th CALFED Public Meeting with the CALFED Policy Team.

Discussion Points

- Mr. Graff asked when a BDAC meeting would be held in the Bay Area. Ms. Gross responded that might happen in June or July.
- Ms. Notthoff asked about follow-up to the ERPP workshop and release of the document. Lester Snow replied that program staff is available for regional meetings and there would likely be another public workshop. Mr. Daniel added that he is particularly interested in already scheduled meetings of geographically focused organizations. He noted that the Executive Summary of the ERPP has complete information on the proposed implementation objectives and targets.
- Mr. Remy inquired about a date for the next BDAC meeting. He urged staff to schedule BDAC meetings farther in advance than three weeks.
- BDAC member Rosemary Kamei informed that she has been asked to testify before Congress on federal appropriations to match funds in Prop. 204. Mr. Graff added that the Governor's letter of support will be very helpful during the Congressional appropriations process.

The meeting was adjourned at 2:30 PM.